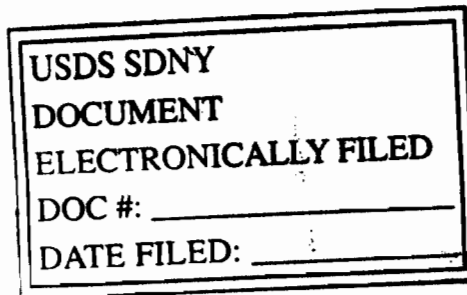


**Labaton  
Sucharow**

ALAN I. ELLMAN

Direct Dial: (212) 907-0877

Direct Fax: (212) 883-7077

aellman@labaton.com

March 11, 2008

**VIA FACSIMILE**

Honorable Kenneth M. Karas  
United States Courthouse  
300 Quarropas Street, Chambers 533  
White Plains, NY 10601-4150

**MEMO ENDORSED**

Re: *Schmalz v. MBLA Inc., et al.*,  
Case No. 7:08-cv-00264-KMK

Dear Judge Karas:

This firm represents a plaintiff that intends to file a motion for appointment as lead plaintiff and approval of selection of lead counsel pursuant to Section 21D of the Securities Exchange Act, 15 U.S.C. § 78u-4(a)(3)(A) (the "Lead Plaintiff Motion").

We are aware of the Court's Individual Practice Rule requiring that a movant request a pre-motion conference prior to the filing of any motion. We write to seek leave from that rule. We wish to file the Lead Plaintiff Motion so as to meet the Exchange Act's requirement that such motions be filed no later than 60 days after the date the notice of action was first published. See 15 U.S.C. § 78u-4(a)(3)(A)(i)(II). In this case, the first notice of action was published on January 11, 2008, and the lead plaintiff motion must be filed no later than Tuesday, March 11, 2008. We respectfully submit that, under these circumstances where we do not know the identities of all other lead plaintiff movants, and where filing of a motion is statutorily mandated by the 60-day limit, the requirement of a pre-motion conference should be waived and that leave be granted to file the Lead Plaintiff Motion.

We thank the Court for its consideration of our request.

Respectfully,

Alan I. Ellman, Esq.

*The motion may be filed.*

cc: Salvatore Graziano  
David Avi Rosenfeld  
Marvin Lawrence Frank  
Robert N. Shwartz

  
KENNETH M. KARAS U.S.D.J.  
3/11/08